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11 Plaintiff TEAK WAREHOUSE, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 5/2/07

KINGSLEY-BATE LTD., a Delaware
Corporation,

Plaintiff,

vs.

TEAK WAREHOUSE, INC., a California
Corporation,

Defendant.

TEAK WAREHOUSE, INC., a California
Corporation,

Counterclaim Plaintiff,

vs.

KINGSLEY-BATE LTD., a Delaware
Corporation,

Counterclaim Defendant.

Case No. C-06-3946-RMW

**STIPULATION TO CONTINUANCE OF
INTERIM CASE MANAGEMENT
CONFERENCE AND EARLY NEUTRAL
EVALUATION DEADLINE;**

[PROPOSED] ORDER

Interim CMC Date: February 23, 2007
ENE Deadline: February 23, 2007

Complaint filed: June 26, 2006

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**TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF
RECORD:**

This Stipulation is made pursuant to Fed. R. Civ. P. 6(b), Local Rule 16-2(e) and Local Rule 7-12 between Defendant and Counterclaim Plaintiff TEAK WAREHOUSE, INC (“Teak”), on the one hand, and Plaintiff and Counterclaim Defendant KINGSLEY-BATE, LTD. (“Kingsley”), on the other hand, through their undersigned counsel of record, with reference to the following:

A. On October 27, 2006, an initial case management conference was duly held before the Court. Upon consideration of the matters raised therein, the Court ordered, *inter alia*, that:

1. An Interim Case Management Conference would be held on February 23, 2007;
2. The parties would complete an Early Neutral Evaluation through the Court's ADR Program prior to the February 23, 2007 conference;
3. The parties shall conduct discovery within certain parameters for the purpose of preparing for the Early Neutral Evaluation

(See Order entered on November 17, 2006 [Docket No. 23].)

B. Pursuant to the Court's Order, on December 19, 2006, Teak served written discovery requests on Kingsley by mail. Teak has stipulated to two extensions of time, for a total of seventeen days, for Kingsley to respond to these requests. Kingsley provided written responses on February 8, 2007, which Teak is currently reviewing. Teak will commence, if necessary, the meet and confer process on the sufficiency of the responses.

C. The parties disagree as to when Initial Disclosures under Rule 26(a) were due. The parties initially agreed to exchange Initial Disclosures on February 5, 2007 when Kingsley's written discovery responses were due. Teak's position is that Teak did not expressly agree to another continuance of the exchange of Initial Disclosures when it agreed to extend the deadline for Kingsley's written discovery responses to February 8, 2007. Kingsley's position is that Teak's agreement to the second extension included an agreement to continue the exchange

1 of Initial Disclosures. Accordingly, Teak served its Initial Disclosures on February 5, 2007, and
2 Kingsley served its Initial Disclosures on February 8, 2007 with its written discovery responses.

3 D. Teak and Kingsley have each noticed two depositions pursuant to the Order
4 entered on November 17, 2006. The parties are coordinating the scheduling of these
5 depositions.

6 E. The Stipulated Protective Order, which was lodged with the Court on
7 October 16, 2006 and re-lodged on January 29, 2007, was approved and signed by the Court on
8 February 12, 2007.

9 F. The parties agree that initial discovery as ordered by the Court will not be
10 completed before the February 23, 2007 Interim Case Management Conference and Early
11 Neutral Evaluation deadline. The parties further agree that initial discovery is important to
12 ensuring that the Early Neutral Evaluation will be a constructive process that may promote a
13 resolution of this action.

14 G. On January 31, 2007, the parties attended an Early Neutral Evaluation
15 preliminary telephone conference with Evaluator Nathan Lane. The parties and Mr. Lane
16 agreed that an extension of time to complete the Early Neutral Evaluation is necessary.

17 H. The parties and Mr. Lane extensively discussed, in consultation with their
18 calendars, alternative dates for the Early Neutral Evaluation. The parties and Mr. Lane
19 ultimately agreed to schedule an Early Neutral Evaluation for June 15, 2007, with Early Neutral
20 Evaluation statements due on June 8, 2007.

21 I. Mr. Lane advised that according to ADR Case Administrator Alice M. Fiel, the
22 parties may lodge a stipulation to such an extension, with proposed order, for the Court's
23 approval.

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1 Accordingly, in order to promote the goals of judicial economy and fairness, the parties
2 hereto hereby stipulate and agree as follows:

3 1. The parties will attend an Early Neutral Evaluation before Mr. Lane on
4 June 15, 2007. Early Neutral Evaluation statements are due on June 8, 2007.
5 2. The Interim Case Management Conference is continued to June 22, 2007 at
6 10:30 a.m., or as soon thereafter as the Court's calendar permits.

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8 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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10 Dated: 16 Feb 2007, 2007

DAVID M. BASS & ASSOCIATES

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12 By: 

13 David M. Bass
14 Attorneys for Defendant and Counterclaim
15 Plaintiff TEAK WAREHOUSE, INC

16

17 Dated: _____, 2007

ASKEW & ASSOCIATES

18 By: _____

19 James A. Askew
20 Attorneys for Plaintiff and Counterclaim
21 Defendant KINGSLEY-BATE LTD.

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23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24

25 Dated: _____, 2007

1 Accordingly, in order to promote the goals of judicial economy and fairness, the parties
2 hereto hereby stipulate and agree as follows:

3 1. The parties will attend an Early Neutral Evaluation before Mr. Lane on
4 June 15, 2007. Early Neutral Evaluation statements are due on June 8, 2007
5 2. The Interim Case Management Conference is continued to June 22, 2007 at
6 10:30 a.m., or as soon thereafter as the Court's calendar permits.

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8 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

9

10 Dated: _____, 2007 DAVID M. BASS & ASSOCIATES

11

12 By: _____
13 David M. Bass
14 Attorneys for Defendant and Counterclaim
15 Plaintiff TEAK WAREHOUSE, INC.

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17 Dated: _____, 2007 ASKEW & ASSOCIATES

18 By: _____
19 *James A. Askew*
20 James A. Askew
21 Attorneys for Plaintiff and Counterclaim
22 Defendant KINGSLEY-BATE LTD.

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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25 Dated: 5/2/07, 2007

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27 *Ronald M. Whyte*

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